IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23083 of 2005

Between:

Sri Parepalli Sreeramulu Dharma

Ramanujakutam rep. by its Founder's Family Member,

Smt Chebrolu Vijayalakshmi and another

..... PETITIONERS

AND

The Commissioner of Endowments

Government of Andhra Pradesh
Boggulkunta Hyderabad and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 5th respondent in not considering the Revision Petition and also stay application filed by the petitioners challenging the proceedings issued by the 1st respondent bearing RC No.E3/11686/2005, dated 25.08.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

It is stated that the grand father of the 2nd petitioner one late Parepally Ramulu has established Sri Parepally Sriramulu Dharma Ramanujakutam (for short 'Kutam') with an object of providing free boarding and lodging to Srivishnava Swamulu as and when they visit Vijayawada and he managed the same during his lifetime. After his death, his son late Parepally Seeta Ramaiah managed the same. Consequent to his death, his wife Parepally Kanakavalli Tayaramma having become the hereditary trustee managed the institution till her death on 29.09.1989. After her death, her son Ramulu having become the hereditary trustee managed the same for some time and during his lifetime, in view of his illness, he requested the departmental authorities to declare the 2nd petitioner as hereditary trustee. The Deputy Commissioner of Endowments, vide his proceedings dated 29.10.1984, declared the 2nd petitioner as hereditary trustee, and since then the

2nd petitioner has been looking after the affairs of the institution. While so, the Commissioner of Endowments, basing on the report of the Assistant Commissioner, Endowments Department, Vijayawada, passed the impugned order dated 25.08.2005, appointing the 4th respondent as Executive Officer in full additional charge of the 1st petitioner Kutam. Aggrieved by the said proceedings, the petitioners preferred a revision before the 5th respondent and also filed an interlocutory application, seeking interim suspension of the impugned proceedings

dated 25.08.2005. But the 5th respondent has not passed any orders either on their revision or interlocutory application, and therefore, the petitioners are constrained to file this writ petition.

Admittedly, against the impugned proceedings dated 25.08.2005, the petitioners availed the effective alternative remedy of revision before the 5th respondent under Section 91 of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the 5th respondent has pass appropriate orders thereon, in accordance with law.

Having regard to the facts and circumstances of the case, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 5th respondent to pass appropriate orders on the interlocutory application of the petitioners, filed along with revision, within a period of 10 days from the date of receipt of a copy of this order. Thereafter, the revision may be disposed of, on hearing both sides. Till then, status quo, existing as on today, shall be maintained by both parties.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 27.10.2005

Dsr

Note:

Issue wire at party's costs

B/o

Dsr